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EDITORIAL

State Supreme Court weighs proposed changes for jurors

The accused's right to a trial by jury is one of the principles upon which the United States' justice system is built. Most Americans firmly believe that 12 people, presented with all of the evidence in a case, can make a fair and impartial decision.

Now the Michigan Supreme Court is considering several rule changes in an attempt to provide jurors with more information and to better accommodate their needs, particularly during long and complex court proceedings.

Among the proposals being weighed is to give judges the authority to allow jurors to discuss the case they are hearing in the jury room during breaks in the trial. Jurors usually are prohibited from talking about evidence or testimony until they begin their deliberations.

Other changes being contemplated include allowing jurors who have taken notes to bring their notes into deliberations; letting courts give jurors'

permission to submit questions to witnesses in civil cases (jurors already may do so in criminal trials); allowing expert testimony to be scheduled sequentially or to create a panel discussion by all the experts after, or in place of, testimony, and encouraging attorneys to give jurors a reference document or notebook with witness lists, exhibits and other information pertinent to the trial which may be helpful in deliberations.

We're sure that strong arguments can be made for and against all of the proposed rule changes. Some of the proposals seem like common-sense moves, but we think the high court should be extremely cautious in tampering with rules that have well served our state judicial system over the years.

The court's justices appear equally cautious, and that is why they are particularly interested in what people who have served on juries have to say

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about the proposed rule changes.

"The function of a jury is to find the truth," Chief Justice Clifford Taylor told The Associated Press. As for the proposed rules change, Taylor said, "The court is not promoting it and it is not discouraging it. We want to see what people think."

That is why it is important for people who have served as jurors or who have had experience with the justice system to let their voices be heard about the proposed rule changes for jurors.

If you have comments to make, send them to the Michigan Supreme Court clerk, P.O. Box 30052, Lansing, MI 48909 or e-mail them to MSC-clerk@courts.mi.gov. In making your comments, you should refer to ADM File No. 2005-19. The court also plans to schedule a public hearing on the issue.

The deadline for public comments on the rule changes is Nov. 1.

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